

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MDL Docket No. C 04-1648 MJJ
ALL CASES

IN RE: RUBBER CHEMICALS ANTITRUST
LITIGATION

**AMENDED PRACTICE AND
PROCEDURE ORDER**

1. This Order shall govern the practice and procedure in those actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to its Order of December 23, 2004 as well as all related actions originally filed in this Court or transferred or removed to this Court. These actions are listed in Schedule A attached to this Order. This Order shall also govern the practice and procedure in any tag-along actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to Rule 1 of the Rules of Procedure of that Panel subsequent to the filing of the final transfer order by the Clerk of Court and any related actions subsequently filed in this Court or otherwise transferred or removed to this Court.
2. The actions described in paragraph 1 of this Order are coordinated or consolidated for pretrial purposes.
3. A signed original of any pleading or paper shall be filed; no copies will be necessary. All papers filed in these actions shall bear the identification "MDL Docket No. 04-1648 MJJ," and when such papers relate to all actions, the MDL docket number shall be followed by the notation "ALL CASES." If such paper does not relate to all actions, the individual docket numbers assigned by the Clerk of Court (as listed in Schedule A) of the action to which the paper relates shall also be listed. If such paper relates to five or fewer actions, the abbreviated caption of each of the actions may be listed opposite its number.

United States District Court

For the Northern District of California

- 1 4. Any paper which is to be filed in any of these actions shall be filed with the Clerk of Court
2 and not with the transferor district court.
- 3 5. Counsel who appeared in the transferor district court prior to the transfer need not enter a
4 separate appearance before this Court.
- 5 6. Prior to the first pretrial conference, service of all papers shall be made on each of the
6 attorneys and on the Panel Attorney Service List, attached to this Order as Schedule L.
7 Any attorney who wishes to have his name added to or deleted from this list may do so
8 upon request to the Clerk of Court with notice to all other persons on the service list.
9 Service shall be deemed sufficient if made upon all attorneys on the Panel Attorney Service
10 List. The parties shall present to the Court, at the first pretrial conference, a list of
11 attorneys for purposes of service. Only one attorney for each party separately represented
12 shall be included on such list.
- 13 7. Prior to the first pretrial conference, counsel for each group of parties whose interests are
14 similarly aligned shall designate liaison counsel, subject to the approval of the Court.
15 Liaison counsel shall be authorized to receive orders and notices from the Court on behalf
16 of all parties within their liaison group and shall be responsible for the preparation and
17 transmittal of copies of such orders and notices to the parties in their liaison group. Liaison
18 counsel shall be required to maintain complete files with copies of all documents served
19 upon them and shall make such files available to all parties within their liaison group upon
20 request. Liaison counsel are also authorized to receive orders and notices from the Judicial
21 Panel on Multidistrict Litigation pursuant to Rule 8(e) of the Panel's Rules of Procedure on
22 behalf of all parties within their liaison group and shall be responsible for the preparation
23 and transmittal of copies of such orders and notices to the parties in their liaison group.
- 24 8. Upon remand of any of these actions, the parties will be required to provide the Court with
25 copies of any necessary and relevant papers previously filed.
- 26 9. No parties to any of these actions shall be required to obtain local counsel in this district
27 and the requirements of Civil Local Rules 11-1, 11-3, and 11-8 of the Northern District of
28 California are waived as to any attorney appearing in these actions who is duly admitted to
practice before any United States Court.
10. Hearings shall not be held on any motions filed except by order of Court upon such notice
as the Court may direct.

11. Any paper filed in any of these actions which is substantially identical to any other paper filed in another of these actions shall be sufficient if it incorporates by reference the paper to which it is substantially identical. Where counsel for more than one party plan to file substantially identical papers, they shall join in the submission of such papers and shall file only one paper on behalf of all so joined.
12. Any orders including protective orders previously entered by this Court or any transferor district court shall remain in full force and effect unless modified by this Court upon application.
13. All discovery proceedings in these actions are stayed until further order of the Court and the time requirements to perform any acts or file any papers pursuant to Rules 26 through 37 of the Federal Rules of Civil Procedure are tolled until the first case management conference at which time a discovery schedule will be established.
14. The Court will be guided by the *Manual for Complex Litigation, Third*, approved by the Judicial Conference of the United States. Counsel are directed to familiarize themselves with that publication.
15. All other matters will be discussed at the initial case management conference to be held on March 9, 2005 at 2:30 p.m. By February 28, 2005, counsel shall furnish to the Court suggestions for items to be included on the agenda for this conference.

IT IS SO ORDERED.

Dated: September 12, 2005


MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE

SCHEDULE A

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- C 04-00197 MJJ
- C 03-01496 MJJ
- C 03-01516 MJJ
- C 03-02477 MJJ
- C 03-02696 MJJ
- C 03-02805 MJJ
- C 03-03147 MJJ
- C 03-03418 MJJ
- C 05-02224 MJJ